

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE	:	CHAPTER 13
ANTHONY J. OLIVERI, JR.	:	
DEBRA LYNN OLIVERI	:	
Debtor(s)	:	CASE NO. 5-23-BK-02286 MJC
	:	
	:	
JACK N. ZAHAROPOULOS	:	
CHAPTER 13 TRUSTEE	:	
Movant	:	

**NOTICE**

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss with Prejudice for Failure to Appear at §341(a) Meetings pursuant to your Chapter 13 bankruptcy filing.

If you object to the relief requested, you must file your objection/response on or before April 11, 2024 with the Clerk of Bankruptcy Court:

Max Rosenn U.S. Courthouse  
197 South Main Street, Room 274  
Wilkes-Barre, PA 18701

and serve a copy on the Chapter 13 Trustee for the Middle District of Pennsylvania:

Jack N. Zaharopoulos  
Office of the Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036.

If you file and serve an objection/response within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection/response within the time permitted, the Court will deem the Motion unopposed and proceed to consider the Motion without further notice or hearing, and may grant the relief requested.

Date: March 28, 2024

/s/ Agatha R. McHale, Esquire  
Attorney ID: 47613  
Attorney for Trustee  
Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: amchale@pamd13trustee.com

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JACK N. ZAHAROPOULOS	:	
CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs.	:	
	:	
ANTHONY J. OLIVERI, JR.	:	
DEBRA LYNN OLIVERI	:	
Respondent(s)	:	

**TRUSTEE’S MOTION TO DISMISS CASE WITH PREJUDICE**

AND NOW, on March 28, 2024, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, who, by and through his Attorney, Agatha R. McHale, Esquire, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice pursuant to § 1307(c), due to their serial filings and their failure to appear at several § 341(a) meetings. Specifically, the Trustee alleges and avers:

1. The Debtors failed to appear at the following § 341(a) meetings scheduled in this case:
  - a. § 341(a) meeting on March 25, 2024 at 10:30 a.m.;
  - b. § 341(a) meeting on February 26, 2024 at 11:00 a.m.;
  - c. § 341(a) meeting on January 8, 2024 at 11:00 a.m.;
  - d. § 341(a) meeting on December 18, 2024 at 10:30 a.m.; and
  - e. § 341(a) meeting on November 13, 2023 at 9:30 a.m..
2. As for the Debtors’ previous cases, Debtors have filed petitions docketed to the following cases:

Case Number: 5-23-01212-MJC

Counsel: PRO SE

Filing Date: 05/31/2023

Total Payments: \$0.00

Result: Dismissal for failure to comply with Order

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Date Dismissed: 6/16/2023

Chapter 13

Case Number: 5-23-00810-MJC

Counsel: PRO SE

Filing Date: 04/13/2023

Total Payments: \$0.00

Result: Dismissal for failure to file a complete list of creditors

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Date Dismissed: 5/18/2023

Chapter 13

Case Number: 5-19-00548-RNO

Counsel: PRO SE

Filing Date: 02/07/2019

Total Payments: \$0.00

Result: Dismissal for failure to file a complete list of creditors

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Date Dismissed: 03/15/2019

Chapter 13

3. Movant believes and avers that, under the totality of the circumstances, Debtors have demonstrated substantial abuse and a lack of good faith in their serial filings as well as their failure to appear for five (5) §341(a) meetings.

Notice and other instructions are included with this Motion to Dismiss with Prejudice.

**WHEREFORE**, Movant requests this Honorable Court to:

1. Dismiss this case in accordance with 11 U.S.C. §1307; and
2. Dismiss this case with prejudice with regard to Debtors filing a subsequent Petition under the Bankruptcy Code in this District without prior leave of this Court for a period of 180 days from the entry of this Dismissal.

Respectfully submitted:

/s/ Agatha R. McHale, Esquire

Attorney ID: 47613

Attorney for Trustee

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

Email: amchale@pamd13trustee.com

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**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on March 28, 2024, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by First Class Mail from Hummelstown, PA, unless served electronically.

Michael A. Cibik, Esq.	Served electronically
Cibik Law, PC	
1500 Walnut Street, Suite 900	
Philadelphia, PA 19102	
<i>Attorney for Debtor</i>	

United States Trustee	Served electronically
228 Walnut Street, Suite 1190	
Harrisburg, PA 17101	

Anthony J. Oliveri, Jr.	Served via First Class Mail
Debra Lynn Oliveri	
105 Carverton Road	
Trucksville, PA 18708-1746	

/s/Tammy Life  
Office of Jack N. Zaharopoulos  
Standing Chapter 13 Trustee

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DEBRA LYNN OLIVERI	:	
Respondent(s)	:	

**ORDER DISMISSING CASE WITH PREJUDICE**

Upon consideration of the Trustee's Motion to Dismiss Case with Prejudice for Failure to Appear at §341(a) Meetings, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtors are hereby BARRED from filing in this district for a period of 180 days from the date of this Order without prior Court Order.